MYSORE ACT No. XXXVII 1942.

(*Promulgated by His Highness the Maharaja on the 27th day of August* 1942.)

An Act to provide for the application of State Laws to the lands occupied by the Yeswantapur-Harihar line of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja.

(AS AMENDED BY ACT XLI OF 1942.)

Preamble. Whereas His Excellency the Crown Representative has retroceded to His Highness the Maharaja jurisdiction of every kind over that portion of the Mysore State Railways which lies within the territory of the State from Yeswantapur exclusive of the Railway Station to the Hubli end of the Tungabhadra bridge at Harihar, and it is necessary to provide for the application of State Laws to the lands occupied by the aforesaid line and to make provision for transitional arrangements in respect of proceedings and other matters which have arisen within the said lands and which are pending on the date of retrocession in the Courts of the Civil and Military Station of Bangalore :

His Highness the Maharaja has been pleased to enact as follows :—

Title. **1.** This Act may be called an Act to provide for the application of State Laws to the lands occupied by the Yeswantapur-Harihar line of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of retrocession.

Commencement and extent. **2.** (1) It shall come into force on 27th August 1942.

(2) It applies to all lands (including the lands occupied as stations, out-buildings and for other railway purposes) occupied by the Mysore State Railways from Yeswantapur exclusive of the Railway Station to the Hubli end of the Tungabhadra bridge at Harihar.

Application of State Laws.

3. All laws for the time being in force in the Mysore State shall be deemed to be in force in the aforesaid lands.

Pending civil matters.

4. All civil suits and proceedings of whatever nature initiated and pending before the Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be suits and proceedings taken cognizance of by and pending in Courts of Mysore and may be continued in Mysore Courts of competent jurisdiction, as may be notified by the Government, from the stages at which such suits and proceedings were pending.

Pending criminal matters.

5. All criminal cases and proceedings taken cognizance of by and pending before the Criminal Courts in the Civil and Military Station, Bangalore, on the date of retrocession, shall be deemed to be cases and proceedings taken cognizance of by and pending in Courts of Mysore and may be continued in Mysore Courts of competent jurisdiction, as may be notified by the Government, from the stages at which such cases and proceedings were pending :

Provided, however, that nothing in this section shall affect the provision of Section 350 of the Code of Criminal Procedure.

Pending appeals, etc.

6. All appeals, applications for revision, and other proceedings, civil as well as criminal, pending in the appellate Courts or the Resident's Court of the Civil and Military Station, Bangalore, on the date of retrocession shall be deemed to be appeals, applications or proceedings pending in the corresponding appellate Courts or the High Court in Mysore, as the case may be, and may be continued in such appellate Courts of competent jurisdiction, as may be notified by the Government, or by the High Court, from the stages at which such cases, applications or proceedings were pending :

Provided, however, that nothing in this section shall affect the appeals from the Resident's Court pending before His Majesty in Council.

Appeals, etc., to lie to Mysore Courts after retrocession.

7. All appeals, references, applications for revision or review, applications for execution and all miscellaneous applications connected with judgments, decrees, orders or cases, civil or criminal, of courts having jurisdiction prior

to retrocession and in respect of which no appeals, references or applications have been filed or made will lie to Courts of competent jurisdiction in Mysore to which such appeals, references or applications would lie if the said judgments, decrees, orders or cases were of corresponding Courts in Mysore subject to the law of limitation as was in force in the Civil and Military Station, Bangalore, prior to retrocession, being applicable to such appeals, references or applications.

Law applicable to pending matters.

8. All civil suits and proceedings and criminal cases and proceedings commenced and pending in the Courts of the Civil and Military Station, Bangalore, on the date of retrocession, and all appeals, references and applications connected with suits, cases and proceedings in the said Courts prior to retrocession shall be decided by the Mysore Courts applying the law which was in force in the Civil and Military Station, Bangalore, at the time the suits, cases or proceedings were initiated, as far as altered circumstances will permit.

Power to appoint a First Class Magistrate.

9. Notwithstanding anything contained in the Criminal Procedure Code, 1904, the Government may appoint a Magistrate of the First Class with jurisdiction over the whole or any part of the lands to which this Act applies, and determine to which District Magistrate he shall be subordinate and the Sessions Division in which the lands may be included.

[1][**10.** For purposes of Section 177 of the Code of Criminal Procedure, 1904, offences committed prior to the date of retrocession shall be deemed to be offences committed within the local limits of Mysore Courts of competent jurisdiction.]

1. Added by Act XLI of 1942.